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November 15, 2021

**VIA ECF**

United States District Court  
Southern District of New York  
Attn: Hon. Lorna G. Schofield, U.S.D.J.  
40 Foley Square, Courtroom 1106  
New York, NY 10007-1312

**Re: Edelman v. NYU Langone Health System, et al.**  
**Case No.: 1:21-cv-502 (LGS) (GWG)**  
**MLLG File No.: 209-2020**

Dear Judge Schofield:

This firm represents the Plaintiff Dr. Sari Edelman (hereinafter “Plaintiff” or “Dr. Edelman”) in the above-referenced case. Plaintiff writes, with Defendants’ consent, to request an adjournment of a single deposition scheduled to proceed today, November 15, 2021. For the reasons set forth below and based on the circumstances, good cause exists to grant Plaintiff’s letter motion.

On October 29, 2021, the parties submitted a joint letter motion for an extension of time to complete discovery pursuant to Rule I(B)(2) of this Court’s Individual Rules and Procedures for Civil Cases (the “Individual Rules”) with, *inter alia*, a deposition schedule. See Docket Entry 62. This request was granted and this Court entered a Third Amended Civil Case Management Plan and Scheduling Order (hereinafter the “Scheduling Order”). See Docket Entries 63-64.

Defendant Joshua Swirnow was deposed pursuant to the schedule on November 9, 2021. Dr. Andrew Porges, a witness, was scheduled to be deposed on November 15, 2021. However, due to an unanticipated medical issue regarding a close family member that arose over this past weekend, your undersigned became unable to depose Dr. Porges today. Plaintiff therefore requested Defendants’ consent to adjourn today’s deposition due to the exigent circumstances with the understanding that the parties would work together to select a mutually agreeable alternative date for Dr. Andrew Porges’ deposition.<sup>1</sup> Defendants consented with the understanding that Dr. Porges would need to give his patients sufficient advance notice of cancellation of their medical appointments before his new deposition date.

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<sup>1</sup> Dr. Porges cancelled approximately twenty patient appointments to make himself available for today’s deposition. Due to Dr. Porges’ patient schedule, as well as the current deposition schedule, the parties expect to need a further extension of time to complete discovery. The parties will make a separate joint application to the Court for same given the extenuating circumstances herein.

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Accordingly, pursuant to ¶ I(B)(2) of this Court's Individual Rules and Civil Procedures, Plaintiff submits that: (i) the original deadline to complete Dr. Porges' deposition was November 15, 2021; (ii)-(iii) there has been no previous request for an adjournment of a deposition; and (iv) Defendants consent to this application.

Plaintiff respectfully submits and Defendants do not dispute that a proposed Fourth Amended Civil Case Management Plan & Scheduling Order is not necessary for this application. To the extent one is, the parties will work together to prepare one and submit it to the Court. Further, it is anticipated that all other scheduled depositions are proceeding as set forth in the parties' October 29, 2021 joint letter.

For the foregoing reasons, Plaintiff respectfully submit that good cause exists to grant the requested adjournment. See Fed. R. Civ. P. 6(b)(1)(A).

Plaintiff thanks this honorable Court for its time and attention to this case.

Dated: Lake Success, New York

November 15, 2021

Respectfully submitted,

**MILMAN LABUDA LAW GROUP PLLC**

/s

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cc: Defendants (via ECF).

The parties shall file a letter by **November 22, 2021**, proposing a date for the deposition of Dr. Porges that does not result in any delay of the close of all discovery on January 14, 2022.

Dated: November 16, 2021

New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**